

ORDINANCE NO. _____

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AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CARDINAL LANE AND SOUTH 2ND STREET FROM FAMILY RESIDENCE (SF-3) DISTRICT TO TOWNHOUSE AND CONDOMINIUM RESIDENCE-CONDITIONAL OVERLAY (SF-6-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence (SF-3) district to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district on the property described in Zoning Case No. C14-05-0024, on file at the Neighborhood Planning and Zoning Department, as follows:

Lot 10 and the north one-half of Lot 9, Block 2, Freewater Addition, a subdivision in the City of Austin, Travis County, Texas; according to the map or plat of record in Plat Book 2, Page 235, of the Plat Records of Travis County, Texas (the "Property"),

locally known as the property located at the southeast corner of Cardinal Lane and South 2nd Street, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A"

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Development of the Property may not exceed 30 residential units.
2. Development of the Property may not exceed 10 residential units per acre.
3. The maximum impervious cover is 55 percent.
4. Vehicular access from the Property to Cardinal Lane shall be by one access point only.
5. Vehicular access from the Property to South 2nd Street shall be by one access point only.

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2 Except as specifically restricted under this ordinance, the Property may be developed and
3 used in accordance with the regulations established for the townhouse and condominium
4 residence (SF-6) base district and other applicable requirements of the City Code.

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6 **PART 3.** This ordinance takes effect on _____, 2005.
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9 **PASSED AND APPROVED**

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11 _____, 2005

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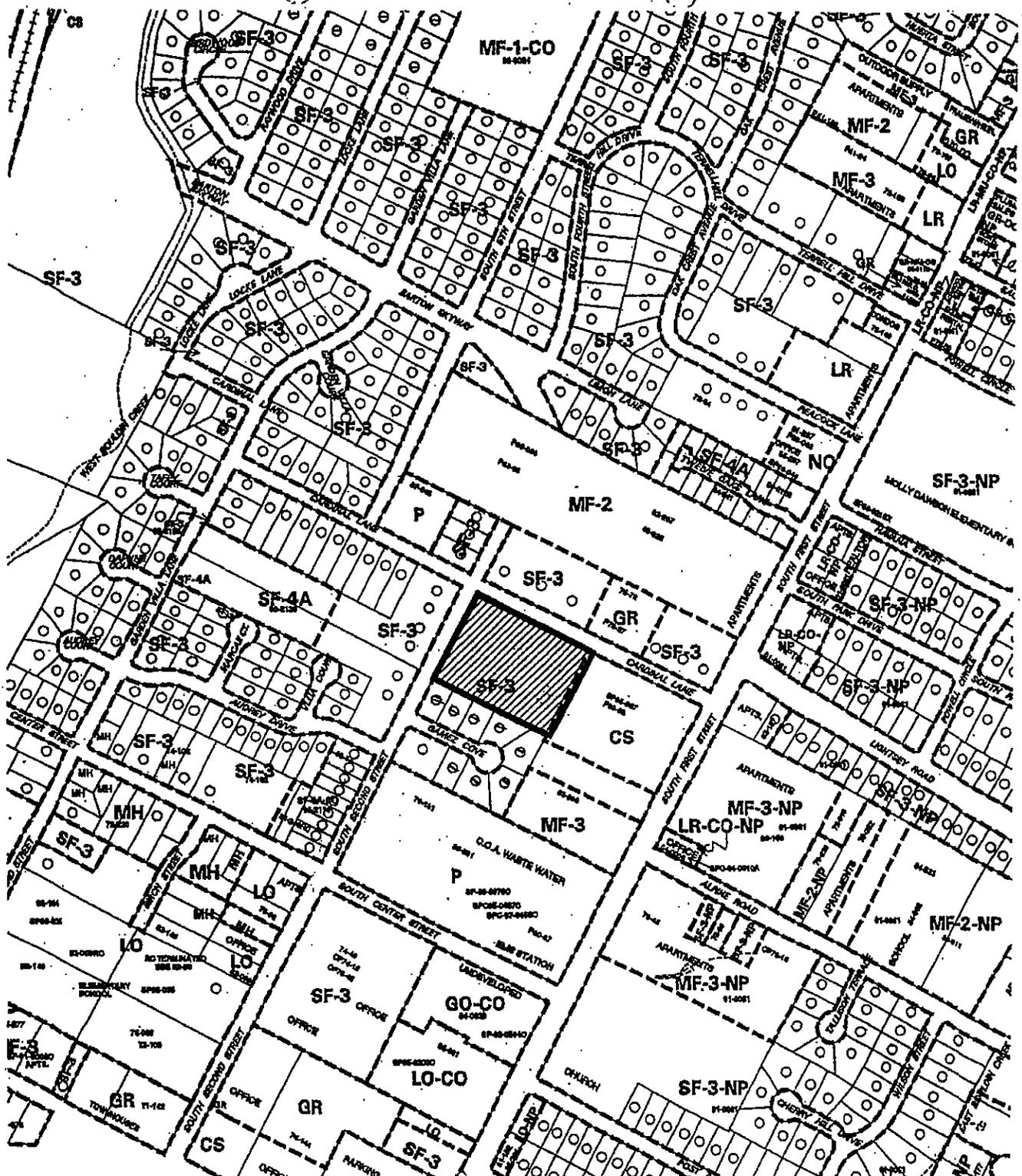
12
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14 Will Wynn
15 Mayor

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18 **APPROVED:** _____

19 David Allan Smith
20 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A	CITY GRID REFERENCE NUMBER H19	
	PENDING CASE 			CASE #: C14-05-0024
	ZONING BOUNDARY 			ADDRESS: CARDINAL LANE & S 2ND ST
	CASE MGR: W. WALSH			DATE: 05-02 INTLS: SM
SUBJECT AREA (acres): 3				

RESTRICTIVE COVENANT

OWNER: Missing Link, Ltd., a Texas limited partnership
ADDRESS: 206 Bonnicview, Austin, Texas 78704
CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.
PROPERTY: Lot 10 and the north one-half of Lot 9, Block 2, Freewater Addition, a subdivision in the City of Austin, according to the map or plat of record in plat Book 2, Page 235, Plat Records of Travis County, Texas.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED to be effective the _____ day of _____, 2005.

OWNER:

Missing Link, Ltd.,
A Texas limited partnership

Patricia Alice Matthaei,
General Partner

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2005, by Patricia Alice Matthaei, General Partner, on behalf of Missing Link, Ltd., a Texas limited partnership.

Notary Public, State of Texas

EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchit Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Caolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

- Abelia, Glossy *Abelia grandiflora*
Agarita *Berberis trifoliata*
Agave (Century Plant) *Agave sp.*
American Beautyberry *Callicarpa americana*
Artemisia *Artemisia 'Powis Castle'*
Barbados Cherry *Malpighia glabra*
Barberry, Japanese *Berberis thunbergii 'Atropurpurea'*
Basket Grass (Sacahuista) *Nolina texana*
Black Dalea *Dalea frutescens*
Bush Germander *Teucrium fruticans*
Butterfly Bush *Buddleja davidii*
Butterfly Bush, Woolly *Buddleja marrubifolia*
Coralberry *Symphoricarpos orbiculatus*
Cotoneaster *Cotoneaster sp.*
Eleagnus *Eleagnus pungens*
Esperanza/Yellow Bells *Tecoma stans*
Flame Acanthus *Anisacanthus quadrifidus var. wrightii*
Fragrant Mimosa *Mimosa borealis*
Holly, Burford *Ilex cornuta 'Burfordii'*
Holly, Dwarf Chinese *Ilex cornuta 'Rotunda nana'*
Holly, Dwarf Yaupon *Ilex vomitoria 'Nana'*
Jasmine, Primrose *Jasminum mesnyi*
Kidneywood *Eysenhardtia texana*
Lantana, Native *Lantana horrida*
Mistflower, Blue (Bluc Boncset) *Eupatorium coelestinum*
Mistflower, White (Shrubby White Boncset) *Ageratina havanense*
Mock Orange *Philadelphus coronarius*
Nandina *Nandina domestica 'Compacta nana' 'Gulf Stream'*
Oleander *Nerium oleander*
Palmetto *Sabal minor*
Prickly Pear *Opuntia engelmannii var. lindheimeri*
Rose, Belinda's Dream *Rosa 'Belinda's Dream'*
Rose, Lamarne *Rosa 'Lamarne'*
Rose, Livin' Easy *Rosa 'Livin' Easy'*
Rose, Marie Pavie *Rosa 'Marie Pavie'*
Rose, Martha Gonzales *Rosa 'Martha Gonzales'*
Rose, Mutabilis *Rosa 'Mutabilis'*
Rose, Nearly Wild *Rosa 'Nearly Wild'*
Rose, Old Blush *Rosa 'Old Blush'*
Rose, Perle d'or *Rosa 'Perle d'or'*
Rock Rose *Pavonia lasiopetala*
Rosemary *Rosmarinus officinalis*
Sage, Mountain *Salvia regia*
Sage, Texas (Cenizo) *Leucophyllum frutescens*
Senna, Lindheimer *Cassia lindheimeriana*
Southern Wax Myrtle *Myrica cerifera*
Sumac, Evergreen *Rhus virens*
Sumac, Fragrant (Aromatic) *Rhus aromatica*
Texas Sotol *Dasyliirion texanum*
Turk's Cap *Malvaviscus arboreus*
Yucca, Paleleaf *Yucca pallida*
Yucca, Red *Hesperaloe parviflora*
Yucca, softleaf *Yucca recurvifolia*
Yucca, Twistleaf *Yucca rupicola*

Perennials

- Black-eyed Susan *Rudbeckia hirta*
 Bulbine *B. frutescens* or *caulescens*
 Bush Morning Glory *Ipomoea fistulosa*
 Butterfly Weed *Asclepias tuberosa*
 Butterfly Weed 'Mexican' *Asclepias curassivica*
 Cast Iron Plant *Aspidistra elatior*
 Chile Pequin *Capsicum annuum*
 Cigar Plant *Cuphea micropetala*
 Columbine, Red *Aquilegia canadensis*
 Columbine, Yellow *Aquilegia chrysantha* 'Texas Gold'
 Coreopsis *Coreopsis lanceolata*
 Daisy, Blackfoot *Melampodium leucanthum*
 Daisy, Copper Canyon *Tagetes lemmonii*
 Damiantia *Crysactina mexicana*
 Fall Aster *Aster oblongifolius*
 Fern, River *Thelypteris kunthii*
 Firebush *Hamelia patens*
 Gaura *Gaura lindeheimeri*
 Gayfeather *Liatris mucronata*
 Gregg Dalea *Dalea greggii*
 Hibiscus, Perennial *Hibiscus moscheutos*, *Hibiscus coccineus*
 Honeysuckle, Mexican *Justicia spicigera*
 Hymenoxys (Four Nerve Daisy) *Tetranneuris scaposa*
 Indigo Spires *Salvia 'Indigo Spires'*
 Iris, Bearded *Iris albicans*
 Iris, Butterfly/Bicolor (African) *Dietes sp.*
 Lamb's Ear *Stachys byzantina*
 Lantana *Lantana x hybrida* (many varieties)
 Lantana, Trailing *Lantana montevidensis*
 Marigold, Mexican Mint *Tagetes lucida*
 Obedient Plant, Fall *Physostegia virginiana*
 Oregano, Mexican *Poliomintha longiflora*
 Penstemon *Penstemon sp.*
 Phlox, Fragrant *Phlox pilosa*
 Pink Skullcap *Scutellaria suffrutescens*
 Plumbago *Plumbago auriculata*
 Poinciana, Red Bird of Paradise, Pride of Barbados
Caesalpinia pulcherrima
 Primrose, Missouri *Oenothera macrocarpa*
 Purple Coneflower *Echinacea purpurea*
 Ruellia *Ruellia brittoniana*
 Sage, Cedar *Salvia roemeriana*
 Sage, Jerusalem *Phlomis fruticosa*
 Sage, Majestic *Salvia guaranitica*
 Sage, Mealy Blue *Salvia farinacea*
 Sage, Mexican Bush *Salvia leucantha*
 Sage, Penstemon, Big Red Sage *Salvia penstemonoides*
 Sage, Russian *Perovaskia atriclipifolia*
 Sage, Scarlet or 'Tropical' *Salvia coccinea*
 Salvia, Gregg (Cherry Sage) *Salvia greggii*
 Shrimp Plant *Justicia brandegeana*
 Texas Betony *Stachys coccinea*
 Verbena, Prairie *Verbena bipinnatifida*
 Yarrow *Achillea millefolium*
 Zexmenia *Wedelia texana*

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
Bluestem, Bushy *Andropogon glomeratus*
Bluestem, Little *Schizachyrium scoparium*
Fountain Grass, Dwarf *Pennisetum alopecuroides*
Indian Grass *Sorghastrum nutans*
Inland Sea Oats *Chasmanthium latifolium*

Mexican Feathergrass (Wiregrass) *Stipa tenuissima*
Muhly, Bamboo *Muhlenbergia dumosa*
Muhly, Big *Muhlenbergia lindheimeri*
Muhly, Deer *Muhlenbergia rigens*
Muhly, Gulf *Muhlenbergia capillaris*
Muhly, Seep *Muhlenbergia reverchonii*
Sideoats Grama *Bouteloua curtipendula*
Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum asiaticum*
Carolina Jessamine *Gelsemium sempervirens*
Coral Vine *Antigonon leptopus*
Crossvine *Bignonia capreolata*
Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera sempervirens*
Lady Banksia Rose *Rosa banksiae*
Passion Vine *Passiflora incarnata*
Trumpet Vine *Campsis radicans*
Virginia Creeper *Parthenocissus quinquefolia*

Groundcover

Aztec Grass *Ophiopogon japonicus*
Frogfruit *Phyla incisa*
Horseherb *Calyptocarpus vialis*
Leadwort *Plumbago Ceratostigma plumbaginoides*
Liriope *Liriope muscari*
Monkey Grass (Mondo Grass) *Ophiopogon japonicus*
Oregano *Origanum vulgare*
Periwinkle, Littleleaf *Vinca minor*
Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
Santolina (Lavender Cotton) *Santolina chamaecyparissus*
Sedge, Berkeley *Carex tumulicola*
Sedge, Meadow *Carex perdentata*
Sedge, Texas *Carex texensis*
Sedum (Stonedrop) *Sedum nuttallianum*
Silver Ponyfoot *Dichondra argentea*
Woolly Stemodia *Stemodia lanata*
(*Stemodia tomentosa*)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby', 'Common'
Buffalo '609', 'Stampede', 'Prairie'
St. Augustine 'Baby', 'Common', 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald', 'Zorro'
Zoysia, Coarse Leaf 'Japonica', 'Jamur', 'El Toro', 'Palis'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant